

1996

Lynn Poulsen v. Karren Frear Poulsen : Brief of Appellant

Utah Court of Appeals

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Karren Frear Poulsen, Pro Se; Defendant & Appellee.

Lynn Poulsen, Pro Se; Plaintiff & Appellant.

Recommended Citation

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UTAH COURT OF APPEALS

BRIEF

UTAH
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DOCKET NO. 96-0484-CA

IN THE UTAH COURT OF APPEALS

LYNN POULSEN,

Plaintiff/Appellant,

vs.

KARREN FREAR POULSEN,

Defendant/Appellee,

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)

Trial Court No. 920903655

Appeal No. 96-0484-CA

Priority 15

OPENING BRIEF OF APPELLANT

An Appeal taken from the final Order and Judgment of the Third District Court

Honorable Judge Tyrone E. Medley, Presiding

Lynn Poulsen, Pro Se
Plaintiff & Appellant
255 East 400 South #150
Salt Lake City, Utah 84111
Telephone: (801) 464-5605

Karren Frear Poulsen, Pro Se
Defendant & Appellee
4223 West 3450 South #217
West Valley City, Utah 84119
Telephone Unknown

FILED

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KEY TO RECORD

Transcript I; Lynn Poulsen, etc. T-I

Transcript II; Michael P. and Nalara Poulsen T-II

Oral Ruling p.22

IN THE UTAH COURT OF APPEALS

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Plaintiff/Appellant,

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KARREN FREAR POULSEN,

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Trial Court No. 920903655

Appeal No. 96-0484-CA

Priority 15

BRIEF OF APPELLANT

JURISDICTION

The Utah Court of Appeals has jurisdiction in this matter pursuant to Utah Code Ann. §78-2-2(3)(k).

ISSUES ON APPEAL AND STANDARD OF REVIEW

ARGUMENT I

I. THE TRIAL COURT’S CERTIFYING ORDER FAILED TO

COMPLY WITH U.R.C.P. 63(b)

- a. Medley exhibited bias at the trial which amounts to advocating for Frear.

The applicable standard of review is correction of error standard, although deference is accorded to factual findings, conclusions of law are to be reviewed and given no deference on appeal. Bingham v. Bingham, 872 P.2d 1065 (Ut. App. 1993); State v. Gardner, 789 P.2d 273 (Utah 1989).

II. THE TRIAL COURT’S IMPOSITION OF SANCTIONS WERE IMPROPER

- a. A hearing should have been held for factual findings.

The applicable standard of review pursuant to U.R.C.P. rule 11 are findings of fact under a clearly erroneous standard and the legal conclusion under a correction of error standard. The type and amount of sanctions is under a abuse of discretion standards. Schoney v. Memorial Estates Inc., 863 P.2d 59, 62 (Ut. App. 1993); Barnard v. Sutliff, 846 P.2d 1229 (Utah 1992).

STATEMENT OF THE CASE

In June of 1992, the Appellant, Lynn Poulsen (hereinafter Poulsen), filed a cause of action against the Defendant Karren Frear (hereinafter Frear) for Alienation of Affections. The matter proceeded with both parties representing themselves pro se with the exception of retention of Mr. Brian Barnard by the Frear for a short period during the pretrial stage of proceedings. Both litigants are laymen and proceeded to trial in pro per. Prior to the trial, Poulsen filed a rule 63(b) pursuant to U.R.C.P. alleging bias and prejudice of Judge Tyrone E. Medley (hereinafter "Medley"). This motion was denied by Honorable Leslie Lewis on October 16, 1995. A trial was held on October 17 and 18, 1995 and the trial court found no cause of action in favor of Frear. An oral ruling was stated in open court by Medley on October 19, 1995. The Court stated written findings would made by the Court and sent to the parties. The Court five months later filed Findings of Fact and Conclusions of Law and Judgment against Poulsen. The judgment contained an award of costs to Frear for attorneys fees plus 200 hours of community service against Poulsen and a \$2,000 sanction to Poulsen with admonishing not to appeal the judge's decision. All was to be completed within six (6) months of entry of the Court's Order. No hearing was set on the sanctions. Poulsen filed her Notice of Appeal on

April 17, 1996 to the Utah Supreme Court and that Court poured over jurisdiction to the Court of Appeals on July 16, 1996.

STATEMENTS OF FACTS

1. Poulsen brought action against Frear alleging Alienation of Affections in the Third District Court.¹

2. During the course of the proceedings, both parties represented themselves in pro se per with the exception of a short duration in which Frear had Mr. Brian Barnard submit a motion to dismiss (R. at 107-108) and a motion for summary judgment (R. at 111-125), both which were denied by the Court. The parties proceeded at trial pro se. (R. at 797)

3. On October 3, 1995, a pretrial conference was held, one being held prior on May 22, 1995 (R. at 763 and R. at 563). At both hearings, Poulsen approached the bailiff and asked that Mr. Poulsen be kept from entering chambers as he was not a party to the action. (See Affidavit of David Jones.)

4. At the pretrial on October 3, 1995, Medley curtly told Poulsen that no non-lawyer would be allowed to sit at counsel table with Poulsen and Medley also inferred he believed Poulsen was being "coached." (R. at 764 - 769)

5. Then Medley stated he had received the request for a non-lawyer to sit at counsel table by a note signed by "Mrs. Poulsen." Frear informed Medley that the request was from her to have Mr. Poulsen sit with her during trial as she did not know any of Poulsen's witnesses.

¹ Poulsen filed an Affidavit of Impeccuniosity (R. at 6, R. at 23) pursuant to U.C.A. §21-7-3. This was never questioned (R. at 6).

6. Shortly after the pretrial, Poulsen filed a motion for recusal of Medley for bias and prejudice. (R. at 764-769)

7. In the Certifying Order to the reviewing court, Medley placed matters in the order outside of the record and stated inaccurately that Poulsen had requested a non-lawyer to sit at counsel table. (R. at 783-784)

8. The Certifying Order was sent by mail to Poulsen, however, only the first page and the third page were received. Poulsen did not find out of the inaccuracy of Medley's Certifying Order until the day of trial. (See Affidavit of David Jones.)

9. On October 17, 1995, Poulsen was informed that Judge Lewis had denied Poulsen's motion to recuse Medley. Judge Lewis' Order reflects she was influenced by Medley's mention of matters outside the record and false statements that it was Poulsen who made a request to have a lay-person at the counsel table. (R. at 794-795)

10. During the trial, Medley interrupted Poulsen's case-in-chief constantly. The transcripts bear out no less than 42 times with five witnesses. This destroyed Poulsen's ability to present her side of the case. (T-I at 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 44, 49, 51, 66, 68, 73, 80, 82, 83, 84, 85, 86, 87; and T-II at 2, 4, 5, 10, 11, 13, 22, 33, 34, 49, 52, 71, 73, 75, 76, 77)

11. Medley made all of Frear's objections, denied admission of Poulsen's evidence without any objection or argument from Frear (references above).

12. When Poulsen made an objection, even though Poulsen is only a lay-person, if it wasn't the correct objection, Medley would overrule Poulsen. With Frear, Medley simply

made Frear's objections without Frear's efforts. (T-I at 7, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 21, 44, 49, 51, 66, 68, 73, 80, 82, 83, 84, 85, 86, 87; and T-II at 2, 4, 5, 10, 11, 13, 22, 33, 34, 49, 52, 71, 73, 75, 76, 77.)

13. Medley further would not let Poulsen use leading questions on adverse witnesses, and continuously interrupted Poulsen's witnesses' testimony.

14. At the close of trial, Medley found in favor of Frear, but stated that he may consider rule 11 sanctions against Poulsen. Medley further said that he would write the Findings of Fact and Conclusions of Law, and if sanctions were imposed, subsequently at hearing would be held. (Oral Ruling at p.22)

15. Poulsen subsequently requested twice that written Findings be entered by the Court as stated per oral ruling five months previous. (R. at 804)

16. At this time, Poulsen was also unable to get Medley's court reporter Dorothy Tripp to respond to numerous requests of an estimate of costs on the transcript testimony at trial.

17. Poulsen then contacted a person at Court Administration to help with the problem of the transcripts which Poulsen had placed a deposit on yet failed to receive.

18. Shortly afterwards, Poulsen received in the mail Medley's written Findings of Facts and Conclusions of Law and Judgment which imposed rule 11 sanctions without a hearing and an award of attorney fees without any affidavit and memorandum from Frear.

19. The sanctions included criminal penalties of 200 hours of community service hours, \$2,000 for the court's time awarding attorney fees to Frear and a warning for Poulsen not to appeal plus return of the sanctions imposed on Frear for failing to show at depositions.

20. Poulsen filed her Notice of Appeal on April 17, 1996.

SUMMARY OF ARGUMENT

POINT I - CERTIFYING ORDER OF BIAS

Medley clearly stated forth matters outside the record in the Certifying Order to the reviewing judge. This Order clearly influenced the reviewing judge as evidenced by her order denying Poulsen's motion to recuse Medley. Poulsen has a due process right to a fair and impartial tribunal. Medley then evidenced his prejudice against Poulsen by being an open advocate for Frear and placing all Frear's objections in the record.

POINT II

It is well settled in law that a person has a due process right to a hearing if rule 11 sanctions are imposed against them, affording them the right to defend, confront and cross examine witnesses.² Medley stated that if sanctions were imposed, a hearing would be held, however, the written Findings impose sanctions against Poulsen and no due process hearing was given as per early Court ruling.

Further, no Findings were made by the Court to determine Poulsen's ability to pay and reasonableness of sanctions needed to deter actions for improper purposes.

ARGUMENT

POINT I

CERTIFYING ORDER OF BIAS

"The standard for determining whether a trial judge should be disqualified is

² United States Constitution, Amend 14.

whether the allegations in an affidavit of bias and prejudice, if true, would give a reasonable person cause to doubt whether the judge could be impartial ..." Utah Trial Handbook §1:17 p.17.

Medley's Certifying Order blatantly contradicts Poulsen's Affidavit which should have made Judge Lewis question the "appearance" of Medley's ability to be impartial and Poulsen's belief she would receive a fair trial.³ Medley received this request by "note" from Frear as an ex parte communication which Medley has not placed in the court file. Had Poulsen been allowed notice by having page two included in the Order sent to her by Medley's court clerk, Poulsen would have taken measures to clarify the record which was reviewed by Judge Lewis on Medley's bias and prejudice. (See Affidavit of David Jones.)

This case is analogous to Barnard v. Murphy wherein Judge Michael Murphy acted improperly by making reference to matters outside the record which "risked improperly influencing review by a different judge after the certification order." Barnard v. Murphy, 852 P.2d 1023 at 1025 (Ut. App. 1993). The holding of this Court in the Barnard case was that it was improper and a failure to comply with rule 63(b) of the U.R.C.P. if the judge to whom the affidavit is against makes reference to matters outside the record. Id. This Court ruled that it would risk improperly influencing the review court.

Since there existed a distinct dispute between Poulsen's Affidavit and Medley's Certifying Order, it gave the "appearance of bias and prejudice" against Poulsen. Medley should

³ If Poulsen could get Medley's court reporter to respond to her repeated requests for transcripts, the record would bear out that never, anywhere in any hearing in open court before Medley has Poulsen ever requested co-counsel in this case.

have been recused from sitting in the trial, where his impartiality was reasonably questioned. Code of Judicial Conduct Canon 3(c)(1) (1972). "Nothing is more damaging to the public confidence in the legal system than the appearance of bias or prejudice on the part of the judge." State v. Gardner, 789 P.2d 273 (Utah 1989).

BIAS AT TRIAL

During the trial, Poulsen called Mr. Poulsen on direct exam as an adverse witness. Mr. Poulsen was obviously evasive and obviously an adverse witness as he is now married to Fear, yet Medley precluded Poulsen from asking leading questions to Mr. Poulsen pursuant to U.R.E. 611(c). Further, Medley stated that Poulsen could elicit testimony concerning Mr. Poulsen's adulterous relationship with Frear and then interrupted Poulsen and threatened her with sanctions if she did ask this testimony. (T-II p.2 and 14)

"The Court: Let me say this. While I'm not going to preclude you from questioning this witness regarding adulterous relationship during the period of time he was still married to you, I am going to preclude you from inquiring regarding a basis for excommunication until you have at least laid a foundation that the events you believe occurred have occurred from his testimony. So at this point, I am going to preclude that question but you may inquire into this area of adulterous relationships if you wish." (T-II p.2)

Poulsen then proceeded to try and lay a foundation for the events leading up to Mr. Poulsen's excommunication for adultery. On page 13, Poulsen proceeds:

"Q: Why did you stop?

A: Well, we stopped between Ruth and our house for one, and we drove up to, I don't know what the place is, up to a place on about 8400 West and 33rd South, 45th South, something like that.

Q: Is that where you had sex with the Defendant?

A: No, ma'am, it is not.

The Court: Excuse me. This is the very last time I am going to give you an admonition before I impose a fairly serious sanction, Ms. Poulsen. It is obvious to me this has to be at least in excess of the fifth time I have given you this admonition. That was clearly a leading question and I have given you that admonition over and over again. This is the last time I am giving it to you before I impose a sanction."

The transcripts are replete with interruptions by the Court and objections placed by the Court instead of Frear. The transcripts will bear out that Medley made 42 objections for Frear and Frear made none herself. This clearly evidences Medley's further prejudice against Poulsen and that Medley acted as Frear's advocate.

"The Court has broad powers to conduct the proceedings in an orderly manner to see that justice is done." However, "[I]mproper remarks of a judge during trial may result in reversal." Utah Trial Handbook quoting Crawford v. Manning (Utah 1975). Medley did not "maintain an attitude of neutrality and ... virtue of comments of demeanor ... of a fair tribunal." State v. Mullin, 583 P.2d, 46 (Utah, 1978). However, "[i]t is the responsibility of the trial judge to have the trial conducted in a manner that approaches an atmosphere of perfect impartiality." Utah Trial Handbook §1:17 p.17. Even though judges are granted considerable latitude of discretion with respect to the mechanics of procedure, the trial court's rulings must be reasonable and not arbitrary. Both parties are in fact laymen and for Medley to hold Poulsen to a standard of a law-trained person in laying foundation, rules of evidence, etc. and not Frear was prejudicial, arbitrary and outright unfair to Poulsen, affecting her substantial rights of due process.

When Frear was on cross exam or direct, the objections, with few exceptions, were made by Poulsen herself. Also Medley would not stop Frear if she failed to lay foundations or didn't follow any legal rules of evidence, but with Poulsen, Medley constantly imposed these restrictions.

The amount of objections made by the Court in the record and no objections made by Frear shows the prejudicial nature of Medley to actively litigate against Poulsen. This denied Poulsen a due process guarantee to a fair and impartial tribunal and opportunity to be heard guaranteed to every citizen in Utah.⁴

The trial court ignored any of the testimony of Poulsen's witnesses that had constant contact with Poulsen and her former spouse that indeed there was love and affection between the parties (R at 44, 45, 46, 50, 67, 70, 71, 73, 74, 75). However, the Court never made a finding that all Poulsen's witnesses weren't credible, or lying under oath.

The Court entered findings on the issue of child molestation. This testimony was presented by Frear. This was a surprise, given Frear's testimony under oath at a deposition that Mr. Poulsen and his daughter had a "father-daughter relationship" and nothing more (Exhibit "B" Deposition pages). Also Frear's own witness, Mr. Poulsen, denies this ever happened (T-II at 74). Medley based his rational on the letters submitted by Frear that Poulsen wrote to Michael Poulsen after the first Decree of Divorce and after Poulsen had been in counseling. The Court can probably take judicial notice of the fact that feelings for husbands and wives change

⁴ Utah State Constitution, Art. I, Sec. 7.

after a divorce proceeding. That does not always mean the parties were antagonistic towards each other. This finding comes from Medley's own prejudice against Poulsen.

Further, the Court states that the resentment of Poulsen towards Poulsen's ex-in-laws cause a lot of stress. There is no presumption of law Poulsen is aware of that a good relationship is a requirement for a happy marriage.

The other quotes that the Court refers to are written to Mr. Poulsen, concerning mostly matters of an ongoing divorce proceedings and there is no evidence that these were directed to Frear. Further, a letter to Poulsen's ex-in-laws are not evidence of hatred or malice towards Frear. this Court should reverse and either vacate or remand for future trial proceedings.

POINT II

SANCTIONS

The significant portions of U.R.C.P. rule 11 are:

"If a pleading, motion, or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, shall impose upon the person who signed it, ... an appropriate sanction, ..."

The findings in the written order are void as to exactly which "pleading or motion or other paper" was the violation of the rule 11. Moreover, Medley's Order is imposing sanctions on Poulsen for her personal letter to third persons and not in concert with the tort claims against Frear. This goes beyond the bound of proper use of sanctions and create a chilling affect that is against public policy.⁵

⁵Poulsen has a personal guarantee in the Utah State Constitution's open courts clause.

Further the rule does not allow the Court to impose costs that all taxpayers bear in our judicial system for the courts, but sanctions in the form of compensation to the prevailing party to reimburse her costs.

The form of sanctions that Medley imposed exceeded all bounds of reasonableness and were imposed out of malice towards Poulsen for taking her case to trial in pro per. These sanctions were punitive in nature and no findings were even entered that Poulsen in fact has intentionally harassed or had other sanctionable conduct towards Frear. All the quotes by Medley in his Findings are to persons who Poulsen has not been in any litigation with.

HEARING

Medley stated in his oral ruling on October 19, 1995:

"If I were to find that Rule 11 has been violated, then what we will definitely have to do is have a subsequent hearing. It will be a Rule 11 hearing ..." p.22

"A party that is the target of a sanctions request has a due process right to notice that such sanctions are being considered by the court and a subsequent opportunity to respond, before final judgment." Bradley v. Campbell, 832 F.2d 1504 at 1514 (10th Cir. 1987). (emphasis added)

Mr. Poulsen was the Plaintiff in the Divorce proceeding. The Sanctions imposed more closely akin to punitive damages was entered and the Court should have entered many factors including (1) reasonableness, (2) minimum to deter, (3) ability to pay, and (4) other factors including history, experience, etc. Poulsen was further denied due process by not being given adequate opportunity to respond to the Court's sanctions or award of attorney fees. Frear

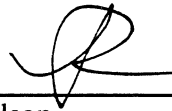
never filed any memorandum of costs or an affidavit. This is further proof of Medley favoring Frear in the litigation.

The letters that Medley used for imposing sanctions were all written years after the divorce. This Court should take judicial notice that persons who are divorced are not likely to have favorable opinions of each other especially where trust has been violated by adulterous conduct of one of the spouses.

CONCLUSION

This Court should reverse and remand for a new trial where Poulsen can have her claim fairly heard by an impartial tribunal. Further, the award and judgment should be vacated.

Dated this 8 day of January 1997.



Lynn Poulsen
Plaintiff and Appellant, Pro Se

CERTIFICATE OF MAILING

I hereby certify that on the 8 day of January 1997, I did mail by first class mail postage prepaid, a true and exact copy of the foregoing **Opening Brief of Appellant** to Karren Frear Poulsen, Defendant & Appellee, 4223 West 3450 South #217, West Valley City, Utah 84119.



ADDENDUM

EXHIBIT A

Lynn Poulsen, Pro Se
Appellant
255 East 400 South, #150
Salt Lake City, Utah 84111
Telephone: (801) 464-5605

IN THE UTAH COURT OF APPEALS

	-----oooOooo-----	
LYNN POULSEN,)	
)	VERIFIED AFFIDAVIT OF
Appellant,)	DAVID JONES
)	
vs.)	
)	
KARREN FREAR,)	Appellate Court No. 960-484
)	
Appellee.)	
)	
	-----oooOooo-----	

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

I do depose and state:

1. I am an adult of legal age, over the age of 21.
2. I have firsthand knowledge of the facts contained herein.
3. If I were to testify, my testimony would be the same.
4. I went to every pretrial hearing between the Plaintiff and Defendant, and at each of those hearings I always observed Lynn Poulsen ask the bailiff to prohibit Mr. Poulsen from entering chambers with the Defendant Karren Frear or sit at the front tables with her.
5. At each of the these pretrial hearings, Lynn Poulsen never requested me to go into chambers with her and she never asked me to sit at the table with her, nor did she ever

infer that she ever wanted me to go with her into chambers or sit at the front table in the courtroom.

6. I was with Lynn Poulsen at the last pretrial hearing where I heard her ask for a court reporter to be brought into the pretrial hearing.

7. At the first day of trial, I heard Lynn Poulsen ask the court for the missing pages of the minute entry of the judge's decision regarding disqualification and I saw Judge Medley's clerk, Susan, go and get the rest of the pages and hand them to Lynn Poulsen; as it was obvious to me that she had not sent them. I observed that when the clerk went out to get copies of the missing pages, Judge Medley informed Lynn Poulsen that her motion to disqualify him was denied.

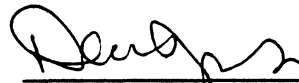
8. I was present for each of the three days of trial.

9. At the trial, I observed that the judge was acting as an advocate for the Defendant Karren Frear. And, I saw Judge Medley make all of Karren Frear's objections for her and she did not make any objections for herself. I also observed the judge over-controlling the presentation of evidence before him, showing an obvious interest and favoritism toward the Defendant's side of the case, and overextending his control upon the Plaintiff's presentation of her side of her case.

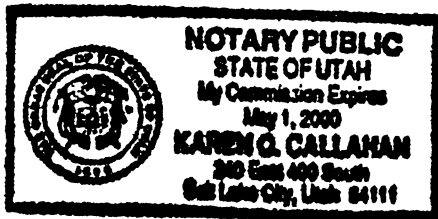
10. I observed the judge going to great lengths to help the Defendant present her case even to the point of helping her to get her evidence admitted, whereas I observed him aggressively block Lynn Poulsen from admitting her evidence, all while the Defendant did not object to any of the evidence the Plaintiff was trying to admit.

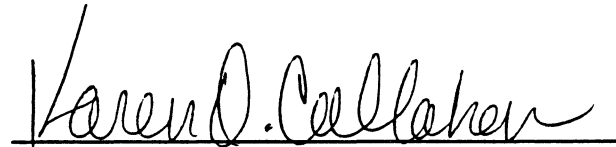
11. I observed the judge being kind and nice to the Defendant when she made statements and asked questions of the court, and I observed the judge being short and curt and many times rude in his comments to Lynn Poulsen.

12. I observed the judge continually threaten Lynn Poulsen with contempt when no direct contempt was evident, where she was merely trying to go forward with the evidence. I saw the judge unnecessarily and for no valid reason demean and threaten Lynn Poulsen and never once threaten or demean Karren Frear.


David Jones, Affiant

Subscribed and sworn to before me this 26th day of September, 1996.




Notary Public
Residing at: Salt Lake County
Commission expires: 05/01/2000

CERTIFICATE OF MAILING

I hereby certify that on the 26 day of September, 1996, I did mail by first class mail, postage prepaid, a true and correct copy of the foregoing **VERIFIED AFFIDAVIT OF DAVID JONES** to the following:

Karren Frear
1345 West Arapahoe
Salt Lake City, Utah 84104



EXHIBIT B

1 Q Did you ever go to the movies with Mike Poulsen
2 prior to his engagement to you?

3 A No.

4 Q Tell me what you know about Mike Poulsen and
5 Nalara, his daughter?

6 A She is his oldest daughter.

7 Q What else do you know about them, their relation-
8 ship?

9 MS. POULSEN: Please let the record
10 show that the witness is hesitating to answer.

11 THE WITNESS: What has that got to
12 do with anything?

13 Q (By Ms. Poulsen) Look, if you want to have a
14 deposition, you can pay for these guys. He will give you
15 a card. You do whatever you want to.

16 A Doesn't have anything to do with it.

17 Q Can you tell me what you know about the relationship
18 Mike Poulsen has with Nalara Poulsen, his daughter?

19 A Yes. Relationship as father and daughter.

20 Q Uh-hum. What?

21 A That is the relationship.

22 Q Do you know about him having sex with his daughter?

23 A I know what I have heard.

24 Q Do you know about him having sex with your, with
25 his daughter?

1 A That is irrelevant.

2 Q Are you placing an objection on the record?

3 A Yes.

4 Q Okay. But you are aware of that then, you are
5 aware that there is a relationship between Mike Poulsen
6 and his daughter, Nalara?

7 A There is not that relationship.

8 Q What relation is that relationship?

9 A That was your question.

10 Q I know, I am asking you, what do you consider
11 that relationship? Could you please define it?

12 A A father and a daughter. Like he is a father
13 to my daughter.

14 Q Does Mike Poulsen's other children ever see him?

15 A Yes.

16 Q Which children see him?

17 A Almost all the older ones.

18 Q And who are they?

19 A Besides--besides Nuzz, Miff, Taco, K-leb.

20 Q Taco goes and sees Mike Poulsen? Does Taco go see
21 Mike Poulsen and visit him? Has she ever visited you and him?

22 A I have not been--yes, she has visited me and him.

23 Q Together?

24 A Yes.

25 Q And when was that?

EXHIBIT C

Lynn Poulsen

S.L.E.

**3353 South Main Street
Suite 227
Salt Lake City, Utah 84115
(801) 464-5605**

April 25, 1996

Dorothy Tripp
Certified Court Reporter
Third District Court
240 East 400 South
Salt Lake City, Utah 84111

HAND DELIVERED

RE: Poulsen v. Frear/Poulsen Transcript
Case No. 920903655

Dear Dorothy:

Please send me an estimate or call my voice mail number at 464-5605 to tell me what the estimated amount of the transcripts for the above trial are going to cost excluding the two transcripts I have already paid for and the Court's ruling.

If I can get this early next week it would be appreciated. If I may give you a deposit of \$100 and make payment arrangements on the rest of the transcripts like I did on the previous two transcripts, it would be greatly appreciated.

Sincerely,

Lynn Poulsen

/msp

LYNN POULSEN

**255 East 400 South #150
Salt Lake City, Utah 84111
(801) 464-5605**

May 13, 1996

Dorthy Tripp
Court Reporter for Tyrone E. Medley
District Court
240 East 400 South
Salt Lake City, Utah 84111

RE: Poulsen v. Frear
Appellate No. 960-219
Trial Court No. 920903655

Dear Dorthy:

I would like you to start to prepare the transcripts of my testimony, Darla Haws; Tami Bearnson and Arlene Houston. Please notify me of the estimated amount of the transcripts and how much it will cost on my voice mail at 464-5605. I will leave a deposit in the amount of \$100.00 at the court for you to start on these transcripts next Monday the 20th of May. I hope I can get an estimate from you by then.

Thank you.

Regards,



Lynn Poulsen

/ms

LYNN POULSEN

***255 East 400 South #150
Salt Lake City, Utah 84111
(801) 464-5605***

May 23, 1996

Dorothy Tripp
Court Reporter for Tyrone E. Medley
District Court
240 East 400 South
Salt Lake City, Utah 84111

RE: Poulsen v. Frear
Appellate No. 960-219
Trial Court No. 920903655

Dear Ms. Tripp:

Please apply the enclosed \$100.00 deposit to the transcripts I have ordered in the above referenced case. Thank you.

Regards,

Lynn Poulsen

/ms
encl

Lynn Poulsen
Plaintiff Pro Se
255 East 400 South, #150
Salt Lake City, Utah 84111
Telephone: (801) 464-5605

IN THE THIRD DISTRICT COURT
COUNTY OF SALT LAKE, STATE OF UTAH

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)
LYNN POULSEN,)
)
Plaintiff,) REQUEST FOR
) TRANSCRIPTS
)
vs.)
)
KARREN FREAR,) Appellate No. 960-219
) Trial Court No. 920903655
Defendant.)
)
-----oooOooo-----

TO THE COURT REPORTER DORTHY TRIPP:

The Plaintiff/Appellant, Lynn Poulsen, hereby requests that you prepare the transcripts of the complete testimonies of Darla Haws; Tami Bearnson; Arlene Houston and Lynn Poulsen held in the above entitled action before the Honorable Tyrone E. Medley on the 17th and 18th day of October 1995. Also transfer to the Utah Supreme Court, the court's ruling of October 19, 1995; the transcripts of Michael Poulsen and Nalara Poulsen's testimonies.

Please inform the undersigned of the amount of your fee and the same will be remitted in full.

Dated this 13 day of May 1996.

Respectfully submitted,



Lynn Poulsen, Plaintiff Pro Se